

**Date:** March 27, 2019

**To:** Board of Directors

**From:** Doug Kelsey

**Subject:** **RESOLUTION 19-03-23 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH CH2M HILL, INC., FOR GIDEON OVERCROSSING DESIGN SERVICES**

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**1. Purpose of Item**

This Resolution requests the TriMet Board of Directors (Board) to authorize the General Manager to execute a modification to the current contract with CH2M HILL, Inc., a wholly-owned subsidiary of Jacobs Engineering Group, Inc., (CH2M) for design services for the Gideon Overcrossing Project (Project).

**2. Type of Agenda Item**

- Initial Contract  
 Contract Modification  
 Other \_\_\_\_\_

**3. Reason for Board Action**

Board approval is required because the proposed modification increases the contract amount beyond the amount previously authorized by the Board.

**4. Type of Action**

- Resolution  
 Ordinance 1<sup>st</sup> Reading  
 Ordinance 2<sup>nd</sup> Reading  
 Other \_\_\_\_\_

**5. Background**

This Project provides for an accessible pedestrian and cyclist overcrossing over the Union Pacific Railroad and TriMet MAX tracks between SE 14th Avenue and SE 13th Place, in Portland, and restores an important connection in Southeast Portland's Hosford-Abernethy and Brooklyn neighborhoods that was eliminated due to the construction of the Orange Line MAX tracks. The Project will be constructed using remaining Portland-Milwaukie Light Rail (PMLR) Project funds from the Federal Transit Administration (FTA). The City of Portland will be the ultimate owner, end user/operator, and maintainer of all assets designed and constructed.

At its March 2018 meeting, the Board approved Resolution 18-03-30, authorizing award of a contract to CH2M for design services in an amount not-to-exceed \$972,670. Due to public feedback as the Project progressed, an additional task order was created for CH2M to revisit the original parameters and consider other possible designs for the Project. This task

confirmed that the current design does the most to minimize impacts to adjacent properties, and is the most economical. In addition, greater scope was needed to accommodate Union Pacific Railroad (UPRR) requirements. This unanticipated additional work has consumed previously budgeted funds, and an additional \$145,544 is needed to pay for the forthcoming 90%-100% design, design services during construction, and contingencies.

1.	Initial Contract Authority (Resolution 18-03-30)	\$972,670
2.	Modification 1-10% Personal Services Contract increase (Resolution 17-10-80)	\$97,267
3.	Adjustment for Design Completion, Design Services During Construction, and Adjustment for Design Contract Contingency	\$145,544
4.	<b>Revised Total Contract Authority (with this Resolution 19-03-23)</b>	<b>\$1,215,481</b>

**6. Procurement Process**

A competitive Request for Proposals (RFP) process was used to initially select CH2M as the contractor for the Project.

**7. Diversity**

In its original proposal, CH2M indicated it would utilize Disadvantaged Business Enterprise (DBE) contractors for approximately 44% of the work in the areas of architectural design, mechanical engineering/design, civil engineering, landscape architecture, and electrical engineering and design. With the recent completion of the 90% design documents, CH2M is currently at 43% utilization of DBE contractors. TriMet staff will continue to work with CH2M to meet or exceed the original DBE goal.

**8. Financial/Budget Impact**

The cost of the Project is included in the PMLR Project budget.

**9. Impact if Not Approved**

If the Board decides not to approve this contract modification, TriMet would need to hire additional staff to complete the design work, which would result in significant additional costs and delays to the Project.

**RESOLUTION 19-03-23**

**RESOLUTION 19-03-23 OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
MODIFICATION TO THE CONTRACT WITH CH2M HILL, INC., FOR  
GIDEON OVERCROSSING DESIGN SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to execute a contract modification with CH2M HILL, Inc., for design services for the Gideon Overcrossing (Modification); and

WHEREAS, the total amount of the Modification exceeds the contract amount originally authorized by the TriMet Board of Directors (Board); and

WHEREAS, the Board, by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve modifications to contracts that exceed the contract amount previously authorized by the Board;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Modification shall conform with applicable laws.
2. That the General Manager or his designee is authorized to execute the Modification in the amount of \$145,544.

Dated: March 27, 2019

Attest:

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department